

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JOSE MORALES, on behalf of)	
himself and those similarly situated,)	
NATIONAL ASSOCIATION)	
FOR THE ADVANCEMENT OF)	
COLORED PEOPLE (NAACP), as an)	CIVIL ACTION NO.
organization; GEORGIA)	1:08-CV-3172 JTC
ASSOCIATION OF LATINO)	
ELECTED OFFICIALS (GALEO),)	
as an organization; and THE)	
CENTER FOR PAN ASIAN)	
COMMUNITY SERVICES (CPACS),)	
as an organization,)	
)	
Plaintiffs,)	
V)	
)	
KAREN HANDEL, in her official)	
capacity as Georgia Secretary of State,)	
)	
Defendant.)	

**DEFENDANT’S MOTION TO DISMISS OR IN THE
ALTERNATIVE MOTION FOR SUMMARY JUDGMENT**

COMES NOW, Karen Handel, Secretary of State for the State of Georgia, and by and through her counsel of record, Thurbert E. Baker, the Attorney General for the State of Georgia, and pursuant to Fed.R.Civ.P. 12(b)(6) and 56, files this Motion to Dismiss, or in the alternative, Motion for Summary Judgment. The reasons for Defendant’s Motion are set forth in the attached Brief. In further support of her Motion, Defendant is filing

her Statement of Material Facts as to which there is no Genuine Issue to be Tried and the Exhibits referred to in that Statement and in Defendant's Brief.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day electronically filed the within and foregoing **DEFENDANT’S MOTION TO DISMISS OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all parties to this matter via electronic notification or otherwise:

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This 4th day of September 2009.

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